



PUBLIC NOTICE

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INTERNATIONAL BUREAU ISSUES UPDATED LUMP SUM ELECTION TABLE

IB Docket No. 20-205
GN Docket No. 20-305

With this Public Notice, the International Bureau (the Bureau) issues an updated table of lump sum elections, primarily to reflect the Bureau's final disposition of lump sum elections that had been conditionally accepted pending the submission of corrective filings in the International Bureau Filing System (IBFS).

On October 30, 2020, the Bureau announced the completion of its review of lump sum elections submitted by earth station operators, including a table of those filings deemed accepted, conditionally acceptable, and denied by the Bureau.¹ The 17 conditionally accepted lump sum elections were contingent upon these entities' representations to FCC staff that they would make filings to correct information in their elections and/or IBFS, which were required to be made on or before November 9, 2020. With this Public Notice, we update our lump sum election table to the filings that were made. We are accepting 16 of the 17 previously conditionally accepted lump sum elections.²

In the *3.7 GHz Band Report and Order*, the Commission defined the criteria that earth stations must satisfy to be eligible as incumbent earth stations to receive reimbursement for their reasonable relocation costs.³ The *3.7 GHz Band Report and Order* also established that incumbent FSS earth station operators may accept either: (1) reimbursement for their actual reasonable relocation costs to maintain satellite reception; or (2) a lump sum reimbursement "based on the average, estimated costs of relocating all of their incumbent earth stations" to the upper 200 megahertz of the C-band.⁴ The *3.7 GHz Band Report and Order* required that incumbent earth station operators (including any affiliates) elect the lump

¹ *International Bureau Announces Review of Lump Sum Elections*, Public Notice, DA 20-1294 (IB Oct. 30, 2020) (*October 30 Lump Sum Election PN*). The results of the Bureau's initial review of the lump sum elections were released on October 23, 2020.

² Maranatha Broadcasting, LLC, did not make the required filings, so its lump sum election is denied.

³ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2391, paras. 116-23 (2020) (*3.7 GHz Band Report and Order*). The *3.7 GHz Band Report and Order* specifically rejected a request to open an additional earth station filing window. *Id.* at 2391, paras. 120-21.

⁴ *3.7 GHz Report and Order*, 35 FCC Rcd. at 2427-28, paras. 202-203.

sum option for either all of their incumbent earth stations (within the contiguous United States) or none of them.⁵

On July 30, 2020, the Wireless Telecommunications Bureau released a Public Notice establishing the process for electing lump sum payments, including the specific information required to make a lump sum election and a requirement that the election include a six-part certification by a duly authorized representative with authority to bind the earth station.⁶ The Public Notice required that incumbent earth station owners make their lump sum payment election no later than August 31, 2020, a date that was later extended until September 14, 2020.⁷

Approximately 2,000 filings from more than 1,500 separate filers were submitted in the Electronic Comment Filing System (ECFS) by the September 14, 2020, deadline.⁸ The Bureau reviewed all of these submissions for compliance with the lump sum requirements. During the course of the review, Bureau staff requested filers electing to receive lump sum payments to make filings to bring the information in their lump sum elections and the information in IBFS into conformance with those requirements to the extent the elections were incomplete or otherwise failed to comply. Responsive filings have included errata to lump sum elections in ECFS to revise the information included in those filings, as well as a substantial number of filings in IBFS to correct the information in that licensing system and therefore in the incumbent earth station list. Those corrective filings were necessary for the Bureau to accept the requested lump sum elections.

The updated results of the Bureau's review are shown in the attached Table of Lump Sum Elections. In particular, as of the release of this Public Notice, the Bureau has Accepted 1,476 out of a total of 1,510 lump sum elections, or 97.7% of elections.⁹ We have denied 34 lump sum elections, or 2.3% of elections.¹⁰

⁵ See *id.* at 2427-28, paras. 202-04 & n.550. Payment of lump sum amounts will be the obligation of 3.7 GHz Service licensees after completion of the 3.7 GHz auction and the licensing of winning bidders. *Id.* at 2553; 47 CFR § 27.1418.

⁶ *Wireless Telecommunications Bureau Releases Final Cost Category Schedule for 3.7-4.2 GHz Band Relocation Expenses*, GN Docket No. 18-122, Public Notice, 35 FCC Rcd 7967 (WTB 2020) (*July 20 Lump Sum Election PN*).

⁷ *Wireless Telecommunications Bureau Extends C-band Lump Sum Election*, GN Docket No. 18-122, Public Notice, 35 FCC Rcd 8856 (WTB 2020).

⁸ The Bureau reviewed under the lump sum election standards those initial filings submitted in ECFS as received on September 15, 2020, as well as those postmarked on or before September 14, 2020. The Bureau also reviewed the resubmitted portions of the paper filing by James P. Baxley, Jr., on behalf of Gulf Coast State College that apparently were misplaced within the FCC. The Bureau has treated as "denied" the lump sum election filing of Bond Broadcasting, Inc., which was filed on September 18, 2020, where the lateness was attributed to an unspecified "technical malfunction."

⁹ We considered as a single lump sum election those cases where the same earth station operator has made multiple earth station filings. For instance, some operators filed separately for each individual earth station.

¹⁰ Four filers whose lump sum elections were initially denied have identified timely filings made with the Bureau before release of the October 30, 2020 Public Notice that brought their elections into compliance with the requirements for lump sum elections -- Burgess Broadcasting Corporation, Lima Satellite, The Municipal Corporation Utility of the city of Cedar Falls Iowa, and Word of God Fellowship, Inc. Those elections have now been accepted. One operator has filed a petition for reconsideration of its lump sum election denial, arguing that it has taken corrective action to bring its filing into compliance with the Commission's requirements. That petition remains pending before the Bureau. Petition for Reconsideration of Ronan Telephone Company and Western Montana CommunityTel, Inc., IB Docket No. 20-205 (filed Nov. 13, 2020).

The Table is organized by the name of the entity making the lump sum election. It then lists the names of the one or more registrants or licensees in the Incumbent Earth Station List included in that lump sum election. A lump sum election is listed as “Accepted” in the Status column if, after any necessary revisions have been made in the lump sum filing and/or in IBFS, a lump sum election has been found to satisfy the basic requirements to qualify for that election, including the requirement that the election include all of the earth station operator’s incumbent earth stations.¹¹ In those cases, the information submitted in the lump sum election should be consistent with the information contained in the October 30 incumbent earth station list, as supplemented by additional filings in IBFS.¹² More detailed information on the lump sum elections can be found in the relevant election filing(s) in ECFS, as well as in the Updated Incumbent Earth Station List that is being released at the same time of this Table.

The column in the Table titled “Incumbent Earth Station Registrant/Licensee as on the August 3rd Incumbent List” does not reflect any recent assignment or sale of an incumbent earth station that resulted in a mismatch between the name of the earth station operator on the updated incumbent earth station list also being released today, and the name of the earth station operator on the incumbent earth station list released on August 3, 2020. In those cases, the earth station operators were directed to file post-consummation notifications in IBFS as soon practicable in order to accurately reflect the current earth station registrant or licensee.¹³

Finally, the attached Table identifies lump sum election requests that the Bureau has denied as not satisfying the requirements for a valid election. Reasons for denial include: (1) lack of the required certifications;¹⁴ (2) failure to include all of an operator’s antennas found in the October 23 incumbent earth station list, as supplemented; and (3) inclusion in the lump sum election of antennas that are not included on the October 23 incumbent earth station list, as supplemented.¹⁵ In cases of denial, all of an earth station operators’ incumbent earth stations will be eligible for reimbursement for reasonable relocation costs incurred as a result of the C-band transition, as set out in the *3.7 GHz Report and Order*.

¹¹ The Bureau has made no determination regarding the accuracy of a lump sum filing’s representations regarding: the category of lump sum election for each registered antenna (*e.g.*, Receive Only ES Single-feed; Receive Only ES Multi-feed; Small Multi-beam (2-4 beam) ES, etc.), whether the earth station site is an MVPD site, or the total lump sum amount claimed for an earth station site. If a lump sum election includes not only incumbent earth stations, but also additional earth stations for which a waiver was requested and denied, the lump sum election is Accepted when the requirements are met for the incumbent earth stations. Two lump sum elections – those of the Church of Jesus Christ of Latter-Day Saints and of Entravision -- fall into this category.

¹² To the extent that there are inadvertent errors in the information in IBFS included in the updated incumbent earth station list, such as those resulting from delays in processing recent filings, the Bureau will make any necessary corrections.

¹³ To the extent that an operator assigns an incumbent earth station in the future, the operator should continue to submit post-consummation notifications in IBFS, as required by the Commission’s rules. 47 CFR § 25.119(f). They should also provide notice of the assignment and notification in ECFS in these dockets.

¹⁴ *July 20 Lump Sum Election PN*, at para. 42.

¹⁵ A lump sum election was treated as “Denied” if the election was late-filed or if it included only earth stations that failed to qualify for incumbent status. An election was “Denied for Antenna/Quantity Mismatch” if the antennas included in the election did not match the incumbent earth stations for the party filing the election. An election was “Denied for Lack of Certification” if the election did not include the certifications required by the *Lump Sum Election PN*, at para. 42. An election was “Denied for Both” if it had both of those deficiencies.

The “Intended Action” column indicates whether a lump sum filer intends to transition its antennas to the Upper 200 megahertz of the C-band or discontinue use of the C-Band. That decision can vary by antenna, so the column includes a “Combination” designation where the filer has indicated that intent.¹⁶

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¹⁶ For instance, the Church of Jesus Christ of Latter-Day Saints intends to discontinue use of the C-band for all of its incumbent earth stations with the exception of five antennas in Riverton, Utah.